IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.851 OF 2005

IN

SUMMONS FOR JUDGMENT NO.607 OF 2003

IN

SUMMARY SUIT NO.2983 OF 1998

Shri J.K. Sharma ...Appellant

v/s

Mazda International Pvt.Ltd. ...Respondents

Mr Vagyani i/b Ms Seema Chopda for Appellant.

Mr R.P. Bhatt for Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 3RD OCTOBER 2007.

P.C. :-

1. The appeal is not on board, by consent of parties, it is taken on board. Heard by consent of the parties. By consent of parties, the appeal is disposed off in following terms.

2. On the appellant - defendant depositing in this Court, with due notice to the respondents - plaintiffs, an amount of Rs.1,00,000/- within a period of four weeks from today, the order impugned in the appeal shall stand set aside. Summons for judgment No.607 of 2003 shall stand restored to file. In that event, the defendant shall file his application for leave to defend within a period of two weeks from the date of deposit. Thereafter, summons for judgment be placed before the appropriate Court for hearing and final order.

3. In case the amount is not deposited within the aforesaid time, this appeal shall be treated as dismissed.

4. In case the amount is deposited, the Prothonotary and Sr. Master of this Court shall permit the plaintiffs to withdraw the amount on furnishing bank

guarantee to the satisfaction of the Prothonotary and Sr. Master and on filing an undertaking that the plaintiffs shall bring back the amount if so directed by this Court and on such terms and conditions as may be directed by this Court. The disposal of the amount shall be governed by the orders that may be passed on the summons for judgment. Appeal is disposed off. In view of this order passed in appeal, notice of motion No.3112 of 2005 does not survive for consideration and hence it is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)